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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,478	09/30/2003	Takayuki Iida	Q77720	1528

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EXAMINER
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RODRIGUEZ, LENNIN R

ART UNIT	PAPER NUMBER
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2625

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03/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,478	<b>Applicant(s)</b> IIDA, TAKAYUKI	
	<b>Examiner</b> LENNIN R. RODRIGUEZ	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 1/03/2008 have been fully considered but they are not persuasive. Applicant's argument with regarding "that Takemoto fails to teach or suggest "the reception information attached to the image file or files for which a printing order has been received is rewritten in the image recording medium to indicate completion of printing order reception." has been fully considered, in response "Takemoto '889 further discloses the reception information attached to the image file or files for which a printing order has been received (401e in Fig. 4, where the processing progress data is being interpreted as reception information) is rewritten in the image recording medium to indicate completion of printing order reception (paragraph [0079], where the processing progress data is being interpreted as reception information and since the order data is linked to the camera unique codes (which are linked to the image files as can be seen on paragraph [0067], lines 8-12) and stored to the center server), by a printing order reception apparatus for receiving the printing order for the image data stored in the image file or files (paragraph [0063], where it explains that the upload apparatus is the same thing as the print service reception apparatus and the upload apparatus is the one rewriting the information back into the file)."
2. Drawings objection has been withdrawn.
3. Specification objection has been withdrawn.
4. Claim objection has been withdrawn.

***Election/Restrictions***

5. Newly submitted claim 13 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 1, from which claim 13 depends on, is a generic claim of claim 5 as presented in the original application, since an image recording medium is interpreted as the printing order reception apparatus of claim 5, it is clear that claim 1 is a generic of claim 5, therefore claim 13 raises a new aspect of the invention not previously presented.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 13 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-12 and 14-17 rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al. (US 2002/0063889).

(1) regarding claim 1:

Takemoto '889 discloses an image recording medium for storing image data in image files therein (4 in Fig. 4), wherein

reception information is attachable to the respective image files (401e in Fig. 4, where the processing progress data is being interpreted as reception information and since the order data is linked to the camera unique codes (which are linked to the image files as can be seen on paragraph [0067], lines 8-12) and stored to the center server), for managing a state of printing order reception regarding the respective image files (paragraph [0079], where with the progress of the print order information is being used to follow the progress of a print order), and

the reception information attached to the image file or files for which a printing order has been received (401e in Fig. 4, where the processing progress data is being interpreted as reception information) is rewritten in the image recording medium to indicate completion of printing order reception (paragraph [0079], where the processing progress data is being interpreted as reception information and since the order data is linked to the camera unique codes (which are linked to the image files as can be seen on paragraph [0067], lines 8-12) and stored to the center server), by a printing order reception apparatus for receiving the printing order for the image data stored in the image file or files (paragraph [0063], where it explains that the upload apparatus is the same thing as the print service reception apparatus and the upload apparatus is the one rewriting the information back into the file).

(2) regarding claim 2:

Takemoto '889 further discloses wherein printing order information is attachable to the respective image files for placing a printing order (paragraph [0024], paragraph [0067], lines 8-12, paragraph [0117], lines 1-2 and paragraph [0124], where the order information is linked to the image information).

(3) regarding claims 3 and 4:

Takemoto '889 further discloses in which customer information regarding a customer who records the image data can be recorded (paragraph [0076]).

(4) regarding claim 5:

Takemoto '889 further discloses a printing order reception apparatus (2 and 4 in Fig. 6) comprising:

image data reading means for reading image files (paragraph [0019], lines 1-7), attached with reception information for managing a state of printing order reception (paragraph [0079], where the processing progress data is being interpreted as reception information and since the order data is linked to the camera unique codes (which are linked to the image files as can be seen on paragraph [0067], lines 8-12) and stored to the center server), from an image recording medium that stores image data in the image files (4 in Fig. 4 and Fig. 6); and

reception means for receiving a printing order for the image data of the image files that have been read (paragraph [0063]), and rewriting the reception information of the image files on the image recording medium to indicate completion of printing order reception thereof (paragraph [0140], since the order data is linked to the camera unique

codes (which are linked to the image files as can be seen on paragraph [0067], lines 8-12) and stored to the center server).

(5) regarding claim 6:

Takemoto '889 further discloses further comprising reception state confirmation means for displaying on a display device whether the respective image files have been previously subjected to printing order reception or not (paragraph [0115], where the reception ID is been displayed and the reception ID is a determination that the image file has been read, meaning subjected to print order reception), for enabling confirmation thereof based on the reception information of the respective image files that have been read (paragraph [0116], lines 1-3, where if the images are being displayed, means that is confirming that those images have been subjected to printing order reception).

(6) regarding claims 7 and 10:

Takemoto '889 further discloses wherein the image files are respectively attached with printing order information for placing a printing order (paragraph [0024], paragraph [0067], lines 8-12 and paragraph [0117], lines 1-2 and paragraph [0124], where the order information is linked to the image information).

(7) regarding claims 8, 9, 11 and 12:

Takemoto '889 further discloses wherein the image recording medium has customer information on a customer who records the image data therein (paragraph [0076]), and

the printing order reception apparatus further comprises customer information reading means for reading the customer information at the time of printing order reception of the image data in the image files that have been read (paragraph [0071], where the card reader reads the member information).

(8) regarding claim 14:

Takemoto '889 further discloses wherein, the image recording medium is a portable digital camera memory medium (1 in Fig. 6).

(9) regarding claims 15 and 16:

Takemoto '889 further discloses separate reception information is attached to the respective individual image file to which it pertains (paragraph [0024], paragraph [0067], lines 8-12, paragraph [0079], and paragraph [0124], where the order information is linked to each the image files with the camera unique code).

(10) regarding claim 17:

Takemoto '889 further discloses wherein said image recording medium is externally inserted into the printing order reception apparatus for the purpose of reading image data (Fig. 6, where the camera (1) is being externally added to the system).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

Lennin Rodriguez  
3/20/2008